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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,408	11/13/2003	George Chandran	31407-1001-UT	9910

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PEACOCK MYERS, P.C.
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ALBUQUERQUE, NM 87125-6927

EXAMINER

BROWN, MICHAEL A

ART UNIT PAPER NUMBER

3764

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tutor

Office Action Summary	Application No.	Applicant(s)	
	10/713,408	CHANDRAN, GEORGE	
	Examiner	Art Unit	
	Michael Brown	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11-13-03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Laufer.

Laufer discloses in figures 1-2 an apparatus for enhancing return blood flow comprising an impedance component (the two highest cuffs 30 located on the user's thigh), a compression component (the two lowest cuffs 30 located on the user's ankle), the impedance component is activated by a mechanical system (hydraulic system, col. 6, line 28-30), the compression component is activated by a mechanical system (hydraulic system, col. 6, lines 28-30), the compression component is disposed at a portion of the lower extremity (fig. 1), a control unit 12, and a sensor unit 20 which is a pressure transducer (Doppler transducer).

Laufer disclose an apparatus for enhancing return blood flow comprising a means for impeding (the highest two cuffs of 30), a means for compressing (the lowest two cuffs of 30), a controller 12 and a sensor 20.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3764

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laufer in view of Laufer.

Laufer discloses in figures 1-2 an apparatus for enhancing return blood flow, substantially as claimed. However, Laufer is silent about how much pressure the impedance component or the compression component exerts. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the impedance component or the compression component could be used to exert the same amount of pressure recited in claims 8-11, against a leg because the amount of pressure exerted by either component can be controlled by a medical attendant using the control unit. Also the amount of pressure exerted is a function that Laufer is capable of performing. The method steps recited in claims 17-20, are performed by Laufer because impeding and compression occurs one after the other. A maximal venous flow is determined and keep over a period of time.

Response to Arguments

Applicant's arguments filed June 16, 2005 have been fully considered but they are not persuasive. Applicant argues that Laufer does disclose a compression component and an impedance component. However, the terms compression and impedance are so broad that any type of compression sleeves (bladder) disclosed by Laufer can be interpreted as compression and impedance components. Applicant argues that the compression component disclosed by Laufer is not activated in

response to the deactivation of the impedance component. However, because the bladder disclosed by Laufer can be perform the same function as the present invention than the compression component can be activated in response to the deactivation of the impedance component. The controller controls the inflation and deflation of the bladders. Thus, the compression component can be activated after the impedance component is deactivated. Also whether the compression component is activated by the deactivation of the impedance component is a function of the present invention that doesn't provide any novelty or an inventive step over the prior art. Applicant argues several arguments that pertain to the present invention being able to perform functions that the prior art is incapable of performing. However, in the product claims no patentable weight was given to whether the present invention performs a different function than the prior art. Applicant argues that the controller disclosed by Laufer doesn't control the activation and deactivation of the impedance and the compression components. However, the controllers control the inflation and deflation of the bladder. The controller disclosed by Laufer can inflate or deflate any of the bladders along the length of bladders. Applicant argues that Luafer doesn't disclose the method enhancing return blood flow. However, Laufer discloses testing through compression and impeding the enhancing return of blood flow from the lower extremity to the upper extremity.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 571-272-4972. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gergory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/713,408
Art Unit: 3764

Page 6

M. Brown
September 6, 2005

A handwritten signature in black ink, reading "Michael A. Brown". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

**MICHAEL A. BROWN
PRIMARY EXAMINER**